

CHAPTER 5 DRIVEWAY AND PRIVATE ROADS

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5.01 Purpose.

The purpose of this ordinance is to regulate the establishment, construction, improvement, modification or reworking of a driveway to assure that the site, method of construction, and conservation practices used will promote the public health, safety, and general welfare of the community, and to enforce the goals and policies set forth in the Town of Spring Green Comprehensive Plan. This ordinance does not apply to the resurfacing of existing driveways.

5.02 Jurisdiction.

Jurisdiction of these regulations shall include all driveways, within the Town of Spring Green. The provisions of this ordinance do not apply to field roads.

5.03 Authority.

These regulations are adopted under the general police powers authority granted pursuant to sections 60.10(2)(c), 60.22(3) and 61.34(1) of the Wisconsin Statutes, and under the controlled access highway power granted pursuant to sections 83.027(10) and 84.25(10) of the Wisconsin Statutes.

5.04 Definitions.

- (1) Access Easement. A privately owned and maintained easement for ingress and egress, for the purpose of granting to all owners and their occupants, agents, employees, guests, licensees, and invitees vehicular and pedestrian access across property which abuts a public right-of-way. The access easement may not provide ingress and egress access for more than three lots. The general use and

maintenance of the access easement shall be governed by a legal agreement that runs with the land and is recorded with the Sauk County Register of Deeds.

- (2) Agricultural Access Driveway. A private driveway, road or other avenue of travel that runs through any part of a private parcel of land that connects with any public roadway, that is used for the sole purpose of providing roadway access to agricultural buildings, fields or other agricultural areas.
- (3) Agricultural Land. Any land within the Town of Spring Green that has been, is or could be farmed, including cropland and pastureland, or land that is included in a government set-aside program or that is protected under the agriculture policies described in the Town of Spring Green Comprehensive Plan.
- (4) Driveway. All portions of a private way, road or other avenue of travel that runs from any public roadway through any part of a private parcel of land to the service entrance of a residential or business structure, except agricultural access driveways.
- (5) Field Road. A road that does not connect with a public roadway and lies outside the right-of-way of a public roadway.
- (6) Town Building Inspector/Engineer. The individual(s) and/or agent(s) hired by the Town Board to act in these capacities.
- (7) Town Engineer. The individual(s) and/or agent(s), that are a professional Engineer, hired by the Town Board to support the Building Inspector.

5.05 Application Requirements and Procedures.

- (1) Who Must Apply. Any person or entity wishing to establish, construct, improve, modify or re-route: (a) a driveway, or (b) agricultural access driveway that changes the existing grade of the land, or (c) any driveway accessing town, county, state or federal highway, must first obtain a Driveway Construction Permit from the Town. This process does not grant access on county, state or federal highways or across a railroad easement.
- (2) Sketch Map. Applicants shall submit a rough sketch map of the conceptual idea of the project, approximate location and dimensions to the Building Inspector prior to preparing or submitting an application. The sketch map shall then be presented to the Plan Commission for review and comment. Formal approval for a Driveway Construction Permit will not be granted without submitting a complete application and supporting documents package as outlined herein.
- (3) Application Forms. Application forms for Driveway Construction Permits are available from the Town Building Inspector/Engineer and/or the Town Clerk.

- (4) Application and Supporting Documents Package. The person or entity shall submit a completed Driveway Construction Permit Application with the appropriate fee and the following attachments to the Town Building Inspector/Engineer:
- (a) Site Map. Indicating the location and dimensions of the desired driveway and the parcels immediately adjacent to the applicant's property. The map shall be no smaller than 1 inch = 100 feet scale, 11 x 17 inches in total size or smaller and labeled with dimensions.
 - (b) Driveway Location Plan or Driveway Construction Plan. As required in section 5.06, all applicants will need the Town Building Inspector/Engineer to view the driveway location to determine the grade and which plan is needed. The application fee covers this initial inspection.
- (5) Application Review. The procedure to evaluate the Driveway Construction Permit Application, may include a site inspection if deemed necessary by the Building Inspector/Engineer.
- (6) Approval Process.
- (a) The Building Inspector will conduct a formal review of the Driveway Construction Permit Applications. This may include a site inspection with the applicant as part of the review process. If the applicant is not required to prepare a Driveway Construction Plan under section 5.06(2), the Building Inspector shall approve the application if it is in compliance with all applicable provisions of this ordinance.
 - (b) If the applicant is required to prepare a Driveway Construction Plan under section 5.06(2), the Building Inspector will conduct a formal review of the application and plan, which shall include a site inspection with the applicant, and shall recommend approval, conditional approval, or denial of the application to the Plan Commission. The Plan Commission shall conduct its review of the application, which may include a site visit, and shall recommend approval, conditional approval or denial to the Town Board within 90 days of receipt of the Building Inspector's recommendation. Town Board shall consider the application once the Plan Commission has made its recommendation or, if the Plan Commission has not provided its recommendation to the Town Board within 90 days of receipt of the Building Inspector's recommendation, the Town Board may act without the Plan Commission's recommendation. The Town Board shall approve, conditionally approve or deny the application.
- (7) Permit Application Approval. If the application is approved, the Town Building Inspector/Engineer shall issue the Driveway Construction Permit. If the

application is conditionally approved, the Town Building Inspector/Engineer shall issue the Driveway Construction Permit once the conditions of the approval have been fulfilled.

- (8) Permit Application Denial. If the permit is denied by the Building Inspector, the applicant may appeal to the Town Board. Should two consecutive applications for a Driveway Construction Permit be denied, the applicant may not submit an application for a Driveway Construction Permit within three months of denial.
- (9) Permit Period. The Driveway Construction Permit is effective for 12 months from the date of issuance. The permit shall expire after these 12 months unless renewed.
- (10) Renewal. The permit may be renewed for one additional period of 6 months, by the Building Inspector/Engineer.
- (11) Driveway Inspection. The applicant shall notify the Town Building Inspector/Engineer within 30 days of completing construction or modification. Within 30 days of this notice, the Town Building Inspector/Engineer will inspect the driveway to ensure full compliance with all of the provisions of this Ordinance.
- (12) Building Permits. No Building Permit for any new construction requiring a driveway permit will be issued until the driveway is constructed according to the specifications of this Ordinance. The only exception will be the final application of gravel or other approved surface that may occur after heavy equipment needed for building activities will no longer be used on the driveway. Roadway access for all vehicles, including during the construction phase, will only be allowed by use of the permitted driveway.
- (13) Occupancy Permit. No occupancy permit for new residential construction shall be issued until the driveway is constructed according to the specifications of this Ordinance and the Town Building Inspector/Engineer approves the final inspection.
- (14) Application Fee. A non-refundable application fee shall be charged for each application. Additional bonding will apply if a Driveway Construction Plan is required. Fee amounts are determined by a resolution of the Town Board and specified in the Town's Fee Schedule.
- (15) Other Fees. The Town shall charge additional fees for each trip to the site by the Town Building Inspector/Engineer. The Town Building Inspector/Engineer will minimize trips to sites to the extent possible; however, more sensitive sites will likely require more inspection. The amount of said other fees shall be determined by resolution of the Town Board and are specified in the Town's Fee Schedule.

- (16) Responsibility For Costs. All costs of construction of said driveway, including permit fees, cost of culverts and various erosion controls and surface water management measures, engineer's plan(s), inspection(s), if required, shall be paid by the property owner requesting the permit.

5.06 Plan Requirements.

- (1) Driveway Location Plan. A Location Plan is required for all segments of the proposed driveway. All applicants will need the Town Building Inspector/Engineer to view the driveway location to determine the grade and whether a Location or Construction Plan is needed. The plan shall show the exact location of the driveway on the lot. However, driveways that require a Driveway Construction Plan shall include the exact location of the driveway on the lot in the Construction Plan and do not need a separate Location Plan.
- (2) Driveway Construction Plan. A Driveway Construction Plan prepared by a licensed civil engineer or the Town's Engineer is required for the entire driveway when:
- (a) Construction of a driveway or segment of a driveway requires disturbing land with a grade of 10 percent or more; or
 - (b) A driveway or segment of a driveway requires a retaining wall or other special erosion control measures as determined by the Town Board or Town Building Inspector/Engineer; or
 - (c) A driveway crosses a waterway or has the potential to significantly alter existing drainage patterns and/or quantity of runoff.

5.07 Specifications for Driveway Location.

A Driveway Location Plan will include:

- (1) Location. The precise location of the driveway on the lot.
- (2) Grade. A profile of the proposed driveway route before and after construction as prepared by a registered professional engineer, registered in Wisconsin, retained by the applicant at their expense.
- (3) Culvert. The location and size of any culverts as determined by the Town Building Inspector/Engineer to meet a minimum 25-year, 24-hour storm standard.
- (4) Erosion Control Plan. The proposal shall describe plans and dates to re-seed, mulch, ditch, place culverts and carry out other erosion control practices as

required by the County and State. With the exception of seeding and vegetation, all erosion controls shall be installed prior to land disturbance or at the appropriate stage of construction and shall remain in place until permanent vegetation is sufficiently established to effectively prevent erosion. Identify the type and location of erosion control measures including, but not limited to, flow diversion, silt fence, erosion bales, stone ditch checks and measures to prevent tracking soil onto public roadways.

Preparing a Driveway Location Plan and application fee does not guarantee the Town's approval of the Driveway Construction Permit Application.

5.08 Specifications for Driveway Construction Plans.

If required, a Driveway Construction Plan will include a scale plan showing the following:

- (1) Location. The precise location of the driveway on the lot.
- (2) Grade. A profile of the proposed driveway route before and after construction.
- (3) Retaining Walls. The location and structure of any retaining walls.
- (4) Culverts. The location, size and design calculations of any culverts.
- (5) Cross-section. Typical cross sections of the driveway in cut and in fill.
- (6) Storm Water Management. Drainage methods for the driveway engineered for the particular surface type, including location and dimensions of ditches, proper grading techniques, projected water handling capability, and water loads at the point of access to the public roadway.
- (7) Erosion Control Plan. The proposal shall describe plans and dates to re-seed, mulch, ditch, place culverts and carry out other erosion control practices. With the exception of seeding and vegetation, all erosion controls shall be installed prior to land disturbance or at the appropriate stage of construction and shall remain in place until permanent vegetation is sufficiently established to effectively prevent erosion. Identify the type and location of erosion control measures including, but not limited to, flow diversion, silt fence, erosion bales, stone ditch checks and measures to prevent tracking soil onto public roadways.
- (8) Other Documents. The Town may require other documents with the Driveway Construction Plan. Contact the Town Building Inspector/Engineer to determine if other documents are needed.

Preparing a Driveway Construction Plan does not guarantee the Town's approval of the Driveway Construction Permit Application.

5.09 Approval for Driveway Construction Permits.

- (1) Conditions.** No construction of a driveway may commence until:
 - (a) The final Driveway Location or Construction Plan is approved by the Town Board; and
 - (b) The Driveway Construction Permit is issued by the Town; and
 - (c) When applicable, any necessary approvals are obtained from Sauk County or the State of Wisconsin (See section 86.07 of the Wisconsin Statutes).
- (2) Disclaimer.** The Town's approval of a Driveway Construction Permit Application does not constitute a determination that the driveway is safe, suitable for use or otherwise passable for the public. No person may rely on the issuance of a permit to determine that a driveway is fit for any purpose.

5.10 Specifications.

- (1) Dividing Agricultural Land.** Driveway construction shall have the least substantial adverse impact on agricultural land.
- (2) Forested Areas.** Driveway construction shall minimize breaks in forest canopy.
- (3) Access Limits.** There shall be no more than one driveway for any given buildable parcel of land. Upon application, the Town Board may, by special permit, allow an additional driveway where the landowner shows satisfactory evidence that the same is necessary because of existing natural barriers or some other special condition of the land.
- (4) Agricultural Access Driveway.** The Town Board may allow more than one agricultural access driveway for any given parcel for the purpose of attaining necessary access to agricultural buildings, fields and other agricultural uses. In addition to this Ordinance, the agricultural access driveway is subject to the Sauk County permit process.
- (5) Agricultural Access Driveway Construction Requirements.** The same construction specifications listed in this Ordinance are required for all agricultural access driveways.
- (6) Shared Driveways.** There shall be no more than one (1) residential structure on any private driveway. The Town Board, at its option, may approve an access

easement for no more than three (3) residential structures. Any driveway proposed for joint use shall be required to have recorded a access easement which shall provide for the following:

- (a) a 66 foot width,
- (b) a minimum of 40 feet of frontage for each parcel serviced by the shared driveway,
- (c) 66 feet of frontage along a Public Right-of-Way,
- (d) enough area for a a cul-de-sac having a minimum radius of 60 feet as described in the Sauk County Land Division Ordinance 22.41.

Designation of an access easement, subject to Town approval, shall be recorded as an official document with the Sauk County Register of Deeds in the form of a Certified Survey Map, Subdivision Plat or other formal document as specified by Sauk County Chapter 22. The easement shall include a maintenance/repair agreement.

- (7) Grade. No land with a grade of 20 percent or more shall be disturbed to construct, establish, improve, modify or re-work a driveway. Under extraordinary circumstances, the Town Board may permit development on land with grades equal to or greater than 20 percent if there is substantial compliance with the following environmental criteria and a special public hearing has been held to assess the effects of the specific property on surrounding property owners. Environmental criteria include:
 - (a) At least 60 percent of each building lot shall remain undisturbed and in its natural state. Existing trees and vegetation on the undisturbed portion shall not be removed by the development.
 - (b) Plans and design calculations acceptable to the Town Building Inspector/Engineer are submitted for retaining walls and other erosion control measures for each lot.
 - (c) Lots large enough so that no buildings or driveways shall be constructed on or through land with existing grades of 20 percent or greater while maintaining normal building setbacks.
 - (d) The soils shown on the Sauk County Soil Survey Map for the land have no more than a “slight” erosion hazard potential as determined by the Soil Conservation Service.

- (e) The soil limitations for dwellings with basements, local streets and roads, and septic tanks shall be no greater than “moderate” as determined by the Soil Conservation Service.
 - (f) Such special studies of soils, slope stability, storm water runoff, erosion and safety as have been requested by the Plan Commission, Town Board or Town Building Inspector/Engineer having been conducted by the applicant and presented to the Town Board prior to official submittal of the preliminary plat.
 - (g) The Town Board may establish additional criteria.
- (8) Maximum Finished Grade. The maximum finished driveway grade shall not be greater than 12 percent.
- (9) Radius of Curves. Driveway curves shall have an inside radius of no less than 36 feet.
- (10) Visibility from the Roadway. Driveways shall be so located as to not create a safety hazard for vehicles traveling on the roadway or exiting and entering the property. The Town Building Inspector/Engineer, using good engineering practice, shall determine the permitted location for driveways with consideration given to the roadway’s classification, topography and posted travel speed. The near edge of a driveway shall be at least 100 feet from public roadway intersections measuring from the property line where the driveway intersects the road right-of-way. If the property abuts more than one roadway the driveway should access the roadway with the least traffic volume.
- (11) Juncture with Public Roadway. The angle between the centerline of the driveway and the centerline of the roadway shall be no less than 70 degrees.

The first 12 feet of the driveway from the intersection of the driveway with the public roadway shall have a maximum of 5 percent grade. A slight dip across the drive shall be placed just before the culvert at the entrance to a public roadway to prevent debris from washing onto the public roadway if the driveway descends to the public roadway.

Any pavement in the right of way, whether new, resurface or replacement may be required to be replaced at the owner’s expense when it causes a safety or drainage problem.

Access onto a public roadway may require a paved apron within the right-of-way of the public roadway, at the owner’s expense, in instances when usage or drainage warrants.

(12) Culverts. Each driveway shall have installed a culvert at the ditch line where the driveway meets the public roadway, unless the Town Building Inspector/Engineer determines it is not necessary. Culverts shall be installed prior to construction work being commenced on the property. All culverts shall be constructed of material acceptable to the Town Building Inspector/Engineer. Culverts shall be sufficient gauge or schedule to provide adequate bearing capacity for vehicles expected to use the driveway as determined by the Town Building Inspector/Engineer.

- (a) Minimum Size. Culverts shall be a minimum of 20 feet in length, and shall be no smaller than 15 inches in diameter, or equivalent, to meet a minimum 25-year, 24-hour storm standard. Larger culverts may be required by the Town Building Inspector/Engineer where needed to accommodate the area's water drainage.
- (b) Placement. Culverts shall be placed in the ditch line at elevations as set by the Town Building Inspector/Engineer so as to adequately convey water and assure proper drainage.
- (c) Endwalls. All culverts shall have flare endwall sections so backfill and cover material will not erode the bottom of the ditch and reduce the capacity of the ditch and culvert. Endwalls or abutments constructed of timber or similar material are prohibited.
- (d) Backfill and Cover Material. Culverts shall be bedded and backfilled with granular material, compacted in place, or other material acceptable to the Town Building Inspector/Engineer. The minimum cover, measured from the top of the pipe to the top of the subgrade material, shall be 6 inches.
- (e) Gauge/Schedule. The minimum wall thickness for corrugated metal culverts or HDPE (high density polyethylene) plastic pipe shall be:

<u>Metal Pipe Diameter</u>	<u>Gauge</u>
15 to 24 inch	16
30 to 36 inch	14
42 to 54 inch	12
60 to 72 inch	10
78 to 84 inch	8

<u>HDPE Plastic Pipe Diameter</u>	<u>Schedule</u>
15 inch	.035 inch
18 inch and greater	.050 inch

(13) Drainage. Ditches along the right-of-way, roadway crowning and culverts shall be provided by the landowner for acceptable drainage. The driveway shall be

planned, constructed and maintained in a manner that prevents diversion of surface water onto a public roadway and/or the lands of other landowners.

- (14) **Natural Drainage Patterns.** Construction of driveways shall not interfere with the natural drainage patterns. Natural drainage crossings shall be rip-rapped or otherwise stabilized below drainage and culvert discharge points for a distance sufficient to carry the discharge water without channel erosion.
- (15) **Align Along Natural Terrain.** Grading for driveway construction will be required to preserve or match the natural contours of the site. Driveway alignment should follow the natural terrain. Grading should attempt to retain existing trees and other natural vegetation to stabilize hillside cuts. The maximum grade of cut shall be 2 horizontal to 1 vertical. The maximum grade of fill shall be 3 horizontal to 1 vertical. The top and toe of the slopes shall be rounded to avoid additional erosion.
- (16) **Retaining Walls.** Any cut slope greater than 2 to 1 and any fill slopes greater than 3 to 1 will require constructing a retaining wall, rip-rapping or similar soil stabilization technique. The base of the retaining wall would need to have a setback of five feet from the edge of the constructed drive. The base of the retaining wall on the cut side and top of the retaining wall on the fill side shall be a minimum, at grade with the center of the driveway surface. Erosion control measures must be planted promptly with permanent vegetation to reduce soil erosion.
- (17) **Side Slopes.** Driveway side slopes shall be a minimum of four feet on each side with a slope no steeper than 1 foot vertical in 4 feet horizontal (25 percent).
- (18) **Ditch Back Slopes.** Ditch back slopes shall be no steeper than 1 foot vertical in 2 feet horizontal (50 percent).
- (19) **Driveway Length.** Driveway lengths of under 400 feet are preferred. Regardless of length, all driveways should be located so as to limit disturbance of prime agricultural soils, woodlands and steep slopes.
- (20) **Driveway Width.** Minimum driveway width shall be 12 feet for a single residence and 18 feet for a shared driveway.
- (21) **Clear Space.** A clear space 14 feet high and 16 feet wide shall be maintained at all times for emergency vehicle access. Driveways must have a 6 foot by 25 foot pull-off lane for every 400 feet of driveway length that meets normal driveway construction standards.

- (22) Turnaround. Turnarounds are encouraged and may be required at the discretion of the Town Board to ensure safe and efficient access for emergency vehicles. The Town Board may consult with the Fire Department for specifications.
- (23) Emergency Service Access Signage. Appropriate signage shall be placed at the entrance to a driveway servicing a residence so emergency service personnel can accurately and expediently locate the driveway. The sign shall conform to current Sauk County regulations.
- (24) Minimum Driveway Surface. Driveways shall have a firm surface capable of supporting cars and emergency vehicles under all weather conditions. Road base shall consist of a minimum of 3" breaker rock 6" deep. Finish surfaces may include asphalt, concrete, or compacted gravel at least three inches in depth, or other granular material approved by the Town Building Inspector/Engineer. The gravel or rock must be of a road-construction-surface grade. The driveway must be maintained in a condition that complies with these specifications. A field road is exempt from this provision.
- (25) Excavation For Fill. With the approval of the Town Board, the Driveway Construction Permit may allow excavation at the site to provide fill for the proposed driveway.
- (26) Restoring Roadways and Disturbed Surfaces. All public roadway surfaces and right-of-ways, shoulders, curbs, ditches, slopes and vegetation disturbed during driveway construction shall be restored to original conditions within 30 days of completing the driveway or before the Town will issue an occupancy permit.
- (27) Railroad. Driveways crossing a railroad right-of-way shall not be allowed unless an application is filed with the appropriate governing authority and full documentation of the approval is provided.
- (28) Waiver of Specifications. The Town Board may waive or modify any of the above specification(s) if the specification(s) is unnecessary to fulfill the purpose of this ordinance. Any request by an applicant for a waiver or modification of any provision in this section must accompany the initial application and must state the reason for the request. The Town Board must submit a written and signed statement detailing the reasons for waiving the specification(s) and attach it to the permit.

5.11 Existing Driveways.

Provisions of this ordinance do not apply to existing driveways except for:

- (1) Hazardous Conditions. When washing or other conditions created by existing driveways or agricultural access driveways that do not meet the specifications in

this Ordinance obstruct or become a potential hazard to a public roadway, or unreasonably hinder access to the property by emergency service personnel, the Town Board shall notify the property owner of the condition(s). The fire department and other emergency service personnel may assist the Town in determining what conditions unreasonably hinder access to the property. Any property owner failing to correct condition(s) within 30 days after notification shall then be subject to the citation procedure set forth in section 1.05. The Town may extend the time for correcting the conditions if weather, scope of work or other conditions warrant an extension.

- (2) Change In Use. No field road or agricultural access driveway may be used as a driveway to acquire access to a residential or commercial property unless the field road or agricultural access driveway has been approved as a driveway according to the provisions of this Ordinance.
- (3) Reconstruction. In the event that a residential dwelling located on property served by an existing driveway is reconstructed or razed and a new dwelling is constructed, the existing driveway shall be made to conform to requirements of the ordinance.

5.12 Notice and Forfeitures.

The Town, or its designee, shall provide written notice, by regular mail, of a violation of this chapter and setting forth, if applicable, the time in which the violator shall have to come into compliance with the terms of this chapter. Any person that fails to comply with the provisions of this chapter shall pay a forfeiture, as set forth in Chapter 1, Appendix A of the Town of Spring Green Code of Ordinances, plus all applicable surcharges, assessments and costs for each violation, including attorney fees if recoverable. Each day a violation exists or continues, constitutes a separate offense under this chapter. In addition, the Town may seek injunctive relief from a court to enjoin further violations.